



General Assembly

January Session, 2003

**Committee Bill No. 728**

LCO No. 3529

Referred to Committee on Select Committee on Aging

Introduced by:  
(AGE)

***AN ACT REQUIRING CRIMINAL BACKGROUND CHECKS FOR  
NURSING HOME EMPLOYEES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-491b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any person who is licensed to establish, conduct, operate or  
4 maintain a nursing home shall notify the Commissioner of Public  
5 Health immediately if the owner, conductor, operator or maintainer of  
6 the home, any person described in subdivision (3) of subsection (a) of  
7 section 19a-491a, [or] any nurse or nurse's aide or any employee of a  
8 nursing home who provides direct care to a resident of a nursing home  
9 has been convicted of (1) a felony, as defined in section 53a-25, (2)  
10 cruelty to persons under section 53-20, [or] (3) assault of a victim sixty  
11 or older under section 53a-61a, or (4) a crime of violence, as defined in  
12 section 53-202; or has been subject to any decision imposing  
13 disciplinary action by the licensing agency in any state, the District of  
14 Columbia, a United States possession or territory or a foreign  
15 jurisdiction. As used in this section, "direct care" means hands-on-care,  
16 including, but not limited to, feeding, bathing, toileting, dressing,

17 lifting and moving of such residents. Failure to comply with the  
18 notification requirement shall subject the licensed person to a civil  
19 penalty of not more than one hundred dollars.

20 (b) Each nursing home shall require [a] any person described in  
21 subdivision (3) of subsection (a) of section 19a-491a, [or a] any nurse or  
22 nurse's aide and any person applying for employment as a provider of  
23 direct care to complete and sign an application form which contains  
24 questions as to whether the person has been convicted of any crime  
25 specified in subsection (a) of this section or has been subject to any  
26 decision imposing disciplinary action as described in said subsection.  
27 No nursing home shall hire a person to provide direct care to residents  
28 of said home if such person has been convicted of a crime described in  
29 subsection (a) of this section. Any person seeking employment in a  
30 position connected with the provision of care in a nursing home who  
31 makes a false written statement regarding such prior criminal  
32 convictions or disciplinary action shall be guilty of a Class A  
33 misdemeanor.

34 (c) The Commissioner of Public Health shall require each initial  
35 applicant described in subdivision (1) of subsection (a) of section 19a-  
36 491a to submit to state and national criminal history records checks  
37 and each initial applicant for a direct care provider position at a  
38 nursing home to submit to a state criminal history records check. The  
39 criminal history records checks required by this subsection shall be  
40 conducted in accordance with section 29-17a.

This act shall take effect as follows:	
Section 1	October 1, 2003

**Statement of Purpose:**

To provide for criminal history records checks on caregivers to the elderly.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. PRAGUE, 19th Dist.; REP. MARTINEZ, 128th Dist.

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